



3622\$

CF/007 Re

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
PATENT APPLICATION

Reissue Applicants : Stuart A. Fraser et al.  
Application No. : 09/859,661 Confirmation No.: 3933  
Filed : May 17, 2001  
For : AUTOMATED AUCTION PROTOCOL PROCESSOR  
For Reissue of  
Patent : 5,905,974 (Issued May 18, 1999)  
Group Art Unit : 3622  
Examiner : James W. Myhre

Hon. Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

FIFTH SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Sir:

Pursuant to 37 C.F.R. §§ 1.56, 1.97, and 1.98,  
reissue applicants hereby make the following documents of  
record in the above-identified patent application.

OTHER DOCUMENTS

Memorandum from Bob McCausland to Larry Gomes,  
October 16, 1990, pgs. 2.

Memorandum from Bob McCausland to Larry Gomes,  
March 6, 1991, pgs 2.

Memorandum from Bob McCausland to Larry Gomes,  
April 3, 1991, pgs. 2.

Memorandum from Bob McCausland to Larry Gomes,  
April 5, 1991, pgs. 2.

Memorandum from Bob McCausland to Larry Gomes,  
April 12, 1991, pg. 1.

Memorandum from Bob McCausland to Mike Pires,  
April 19, 1991, pgs. 2.

Memorandum from Bob McCausland to Larry Gomes,  
April 22, 1991, pg. 1.

Memorandum from Bob McCausland to Mike Pires,  
April 24, 1991, pg. 1.

Memorandum from Bob McCausland to Larry Gomes,  
May 30, 1991, pg. 1.

Memorandum from Bob McCausland to Larry Gomes,  
June 12, 1991, pg. 1.

Memorandum from Bob McCausland to Larry Gomes,  
June 13, 1991, pg. 1.

Memorandum from Bob McCausland to Larry Gomes,  
July 15, 1991, pgs. 3.

Memorandum from Bob McCausland to Larry Gomes,  
July 18, 1991, pgs. 8.

Memorandum from Bob McCausland to Larry Gomes,  
February 5, 1992, pgs. 17.

*Chats Advances at Chapdelaine*, Bondweek, Vol. X, No.  
1, January 8, 1990, at 7.

*Voice Recognition Option Added to Chats*, Bondweek,  
Vol. X, No. 2, January 15, 1990 at 4-5.

*Chapdelaine's Trading System Up and Running,*  
Bondweek, Vol. X, No. 14, April 9, 1990 at 10.

*EJV Says Its Trading System Will Recognize Voice Orders,* Bondweek, Vol. XI, No. 10, March 11, 1991 at 9.

*Chapdelaine Notches 38 Participants on Chats,*  
Bondweek, Vol. X, No. 26, July 2, 1990 at 8.

*Electronic Joint Venture Reportedly Chats with Thomson Financial,* Bondweek, Vol. X No. 10, March 12, 1990 at 10.

*EJV Fills Out Management Team,* Bondweek, Vol. X, No. 36, September 10, 1990 at 11-12.

*CBOT's Absence Noted in Automated OTC Mart, but not Greatly,* Bondweek, Vol. X, No. 51, December 24, 1990 at 7.

*EJV to go on Line in Three Months,* Bondweek, Vol. XI, No. 8, February 25, 1991 at 2.

*EJV Snares Sanction for Autotrade System,* Bondweek, Vol. XI, No. 16, April 22, 1991 at 13.

*EJV to Pilot Its First Analytics System Next Month,* Bondweek, Vol. XI, No. 20, May 20, 1991 at 10.

*Some Bills Trading Gets Done on EJV's System,* Bondweek, Vol. XI, No. 22, June 3, 1991 at 12.

*EJV's Analytics Product is 6-9 Months from Market,* Bondweek, Vol. XI, No. 26, July 1, 1991 at 10.

*Univu Pilot is up at EJV's Partners, Plus One Non-Partner,* Bondweek, Vol. XI, No. 32, August 12, 1991 at 8.

*EJV Aims to Launch Analytics Service by Year End and Long Bond Added to EJV's Treasury Bond-Trading System*, Bondweek, Vol. XI, No. 38, September 23, 1991 at 9.

*EJV Pre-Selling Its Analytics Product*, Bondweek, Vol. XI, No. 50, December 16, 1991 at 11.

*Trading Tech Secrets: A Chat with Dexter Senft of EJV Partners*, Bondweek, Vol. XII, No. 10, March 9, 1992 at 8.

*CBJ-EJV Deal said to Please Feds*, Bondweek, Vol. XII, No. 12, March 23, 1992 at 7.

Bondweek, Vol. XII, No. 20, May 18, 1992 at 8.

*CBOT Eyes Screen-Based Repo, Basis Trading with EJV System*, Bondweek, Vol. XII, No. 22, June 1, 1992 at 8.

*Discontent Reported Among Some EJV Backers*, Bondweek, Vol. XII, No. 24, June 15, 1992 at 11-12.

*UNIVU: EJV Begins Filling in the Dots*, Bondweek, Vol. XII, No. 30, July 27, 1992 at 10.

*Merrill Mulls EJV Participation*, Bondweek, Vol. XII, No. 34, August 24, 1992 at 1 and 11.

*CBOT Members Approve EJV Deal and First Boston to Offer Government Bond Trading System on Bloomberg*, Bondweek, Vol. XII, No. 38, September 21, 1992 at 1, 8, and 11.

Bondweek, Vol. XII, No. 40, October 5, 1992 at 8.

*Three Tech Managers Leave EJV...As Company Retools for Univu Rollout*, Bondweek, Vol. XII, No. 42, October 19, 1992 at 8.

*Liffe Plans £1.25 Million Upgrade of its After-Hours System*, Bondweek, Vol. XII, No. 46, November 16, 1992 at 11.

Bondweek, Vol. XIII, No. 5, February 8, 1993 at 8.

*Liberty in Talks to Join EJV*, Bondweek, Vol. XIII, No. 10, March 15, 1993 at 2.

*Liberty, EJV Debut Joint Venture*, Bondweek, Vol. XIII, No. 34, August 30, 1993 at 2.

Advertisement in Bondweek, Vol. XV, No. 4, January 30, 1995, *Starting March 1, The Muni Bond Futures Contract will be an Even Better Trading Tool*.

*EJV Develops Windows-Based Software to Access F.I. Data*, Bondweek, Vol. XV, No. 46, November 20, 1995 at 6.

Advertisement in Bondweek, Vol. XVII, No. 8, March 3, 1997, *CBOT Yield Curve Spreads Because a Lot Can Happen in a Short Amount of Time*.

Advertisement in Bondweek, Vol. XVII, No. 17, May 5, 1997, *The T-Bond. And Now the Bond Open Outcry Trading in the World's Two Largest Bond Contracts at the CBOT*.

Chicago Board Brokerage User Manuel, 27 pages.

Nicholas Brady, Richard Breeden, and Alan Greenspan, *Joint Report on the Government Securities Market*, January 22, 1992.

#### LITIGATION DOCUMENTS

eSpeed, Inc. et al., v. Brokertec USA L.L.C., et al., C.A. No. 03-612 (KAJ), SUPPLEMENTAL OPENING BRIEF IN SUPPORT OF MOTION BY PLAINTIFFS eSPEED, INC., CANTOR FITZGERALD, L.P., AND CFPH, L.L.C. FOR PRELIMINARY INJUNCTION.

eSpeed, Inc. et al., v. Brokertec USA L.L.C., et al., C.A. No. 03-612 (KAJ), DEFENDANTS' PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW.

eSpeed, Inc., et al., v. Brokertec USA L.L.C., et al., C.A. No. 03-612 (KAJ), PLAINTIFFS' MOTION FOR RE-ARGUMENT ON CLAIM CONSTRUCTION.

eSpeed, Inc., et al., v. Brokertec USA L.L.C., et al., C.A. No. 03-612 (KAJ), OPINION.

eSpeed, Inc., et al., v. Brokertec USA L.L.C., et al., C.A. No. 03-612 (KAJ), ORDER.

The above-mentioned documents came to the attention of applicants in the litigation styled eSPEED, Inc. et al. v. BROKERTEC USA, L.L.C. et al., D. Del., Civil Action No. 03-612(KAJ) (hereinafter "the eSPEED litigation"). The eSPEED litigation involves U.S. Patent No. 6,560,580, which is a division of the patent in reissue.

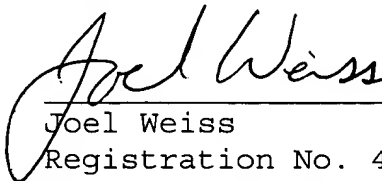
Copies of each of the documents listed above, which are also listed on the accompanying Form PTO-1449 (submitted in duplicate), are enclosed herewith.

It is respectfully requested that these documents be (1) fully considered by the Patent and Trademark Office during examination of this application; and (2) printed on any patent which may issue on this application. Applicants request that a copy of Form PTO-1449, as considered and initialed by the Examiner, be returned with the next communication.

Pursuant to 37 C.F.R. § 1.97(d)(2), applicants have enclosed a check in the amount of \$180.00 in payment of the fee for submission of this Fifth Supplemental Information Disclosure Statement. The Director is hereby authorized to charge payment of any additional fees required in connection with this Statement, or credit any overpayment of the same, to Deposit Account No. 06-1075. A duplicate copy of this letter is transmitted herewith.

Consideration of the foregoing in relation to this  
patent application is respectfully requested.

Respectfully submitted,

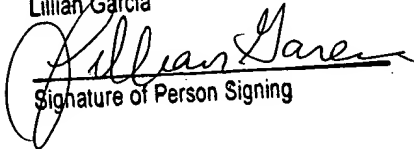


Joel Weiss  
Registration No. 44,398  
Attorney for Reissue Applicants  
FISH & NEAVE  
Customer No. 1473  
1251 Avenue of the Americas  
New York, New York 10020  
(212) 596-9000

I hereby certify that this  
Correspondence is being  
deposited with the U.S.  
Postal Service as First  
Class Mail in an envelope  
Addressed to:  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450 on

*September 29, 2004*

Lillian Garcia

  
Signature of Person Signing



PATENTS  
CF/007 Re

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

REISSUE APPLICATION

Reissue Applicants : Stuart A. Fraser et al.  
Application No. : 09/859,661 Confirmation No.: 3933  
Filed : May 17, 2001  
For : AUTOMATED AUCTION PROTOCOL  
PROCESSOR  
For Reissue of  
Patent : 5,905,974 (Issued May 18, 1999)  
Group Art Unit : 3622  
Examiner : James W. Myhre

New York, New York 10020  
September 29, 2004

Hon. Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

NOTICE OF PRIOR OR CONCURRENT  
PROCEEDINGS UNDER 37 C.F.R. § 1.178(b)

Sir:

Pursuant to 37 C.F.R. § 1.178(b), applicants hereby  
call to the attention of the Patent and Trademark Office the  
following prior and concurrent proceedings:

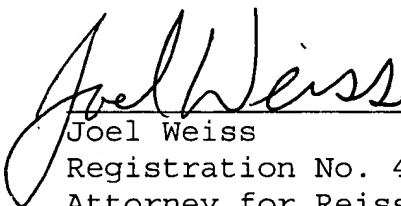
Proceedings	Status
<u>eSPEED, Inc. et al. v.</u> <u>BROKERTEC USA, L.L.C. et</u> <u>al., D. Del., Civil Action</u> No. 03-612(KAJ)	Pending



Proceedings	Status
<u>Cantor Fitzgerald, L.P. v. Liberty Brokerage Investment Corp.</u> Civil Action No. 99-522 (D. Del.)	Dismissed with prejudice; Order of Dismissal ordered on July 18, 2000

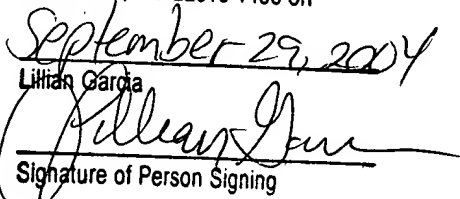
The eSPEED, Inc. et al. v. BROKERTEC USA, L.L.C. et al. involves U.S. Patent No. 6,560,580, which is a division of the patent in reissue.

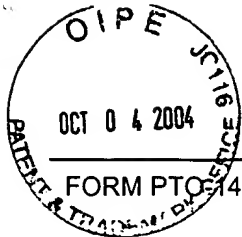
Respectfully submitted,



Joel Weiss  
Registration No. 44,398  
Attorney for Reissue Applicants  
FISH & NEAVE  
Customer No. 1473  
1251 Avenue of the Americas  
New York, N.Y. 10020-1105  
Tel.: (212) 596-9000

I hereby certify that this  
Correspondence is being  
deposited with the U.S.  
Postal Service as First  
Class Mail in an envelope  
Addressed to:  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450 on

September 29, 2004  
Lillian Garcia  
  
Signature of Person Signing



FORM PTO-4449

U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICEATTY. DOCKET NO.  
CF/007 ReAPPLICATION NO.  
09/859,661FIFTH SUPPLEMENTAL INFORMATION DISCLOSURE  
STATEMENT BY APPLICANTSAPPLICANTS  
Fraser et al.CONFIRMATION  
NO. 3933FILING DATE  
May 17, 2001GROUP  
3622

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE

## FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO

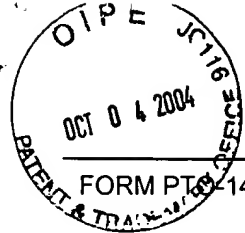
## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

EXAMINER INITIAL	
	Memorandum from Bob McCausland to Larry Gomes, October 16, 1990, pgs. 2
	Memorandum from Bob McCausland to Larry Gomes, March 6, 1991, pgs 2.
	Memorandum from Bob McCausland to Larry Gomes, April 3, 1991, pgs. 2.
	Memorandum from Bob McCausland to Larry Gomes, April 5, 1991, pgs. 2.
	Memorandum from Bob McCausland to Larry Gomes, April 12, 1991, pg. 1.
	Memorandum from Bob McCausland to Mike Pires, April 19, 1991, pgs. 2.
	Memorandum from Bob McCausland to Larry Gomes, April 22, 1991, pg. 1.
	Memorandum from Bob McCausland to Mike Pires, April 24, 1991, pg. 1.
	Memorandum from Bob McCausland to Larry Gomes, May 30, 1991, pg. 1.
	Memorandum from Bob McCausland to Larry Gomes, June 12, 1991, pg. 1.
	Memorandum from Bob McCausland to Larry Gomes, June 13, 1991, pg. 1.
	Memorandum from Bob McCausland to Larry Gomes, July 15, 1991, pgs. 3.
	Memorandum from Bob McCausland to Larry Gomes, July 18, 1991, pgs. 8.
	Memorandum from Bob McCausland to Larry Gomes, February 5, 1992, pgs. 17.
	<i>Chats Advances at Chapdelaine</i> , Bondweek, Vol. X, No. 1, January 8, 1990, at 7.
	<i>Voice Recognition Option Added to Chats</i> , Bondweek, Vol. X, No. 2, January 15, 1990 at 4-5.
	<i>Chapdelaine's Trading System Up and Running</i> , Bondweek, Vol. X, No. 14, April 9, 1990 at 10.
	<i>EJV Says Its Trading System Will Recognize Voice Orders</i> , Bondweek, Vol. XI, No. 10, March 11, 1991 at 9.
	<i>Chapdelaine Notches 38 Participants on Chats</i> , Bondweek, Vol. X, No. 26, July 2, 1990 at 8.

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not conformance and not considered. Include copy of this form with next communication to applicants.



FORM PT. 1449

U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICEATTY. DOCKET NO.  
CF/007 ReAPPLICATION NO.  
09/859,661FIFTH SUPPLEMENTAL INFORMATION DISCLOSURE  
STATEMENT BY APPLICANTSAPPLICANTS  
Fraser et al.CONFIRMATION  
NO. 3933FILING DATE  
May 17, 2001GROUP  
3622

## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

EXAMINER INITIAL	
	<i>Electronic Joint Venture Reportedly Chats with Thomson Financial</i> , Bondweek, Vol. X No. 10, March 12, 1990 at 10.
	<i>EJV Fills Out Management Team</i> , Bondweek, Vol. X, No. 36, September 10, 1990 at 11-12.
	<i>CBOT's Absence Noted in Automated OTC Mart, but not Greatly</i> , Bondweek, Vol. X, No. 51, December 24, 1990 at 7.
	<i>EJV to go on Line in Three Months</i> , Bondweek, Vol. XI, No. 8, February 25, 1991 at 2.
	<i>EJV Snares Sanction for Autotrade System</i> , Bondweek, Vol. XI, No. 16, April 22, 1991 at 13.
	<i>EJV to Pilot Its First Analytics System Next Month</i> , Bondweek, Vol. XI, No. 20, May 20, 1991 at 10.
	<i>Some Bills Trading Gets Done on EJV's System</i> , Bondweek, Vol. XI, No. 22, June 3, 1991 at 12.
	<i>EJV's Analytics Product is 6-9 Months from Market</i> , Bondweek, Vol. XI, No. 26, July 1, 1991 at 10.
	<i>Univu Pilot is up at EJV's Partners, Plus One Non-Partner</i> , Bondweek, Vol. XI, No. 32, August 12, 1991 at 8.
	<i>EJV Aims to Launch Analytics Service by Year End and Long Bond Added to EJV's Treasury Bond-Trading System</i> , Bondweek, Vol. XI, No. 38, September 23, 1991 at 9.
	<i>EVJ Pre-Selling Its Analytics Product</i> , Bondweek, Vol. XI, No. 50, December 16, 1991 at 11.
	<i>Trading Tech Secrets: A Chat with Dexter Senft of EJV Partners</i> , Bondweek, Vol. XII, No. 10, March 9, 1992 at 8.
	<i>CBJ-EJV Deal said to Please Feds</i> , Bondweek, Vol. XII, No. 12, March 23, 1992 at 7.
	Bondweek, Vol. XII, No. 20, May 18, 1992 at 8.
	<i>CBOT Eyes Screen-Based Repo, Basis Trading with EJV System</i> , Bondweek, Vol. XII, No. 22, June 1, 1992 at 8.
	<i>Discontent Reported Among Some EJV Backers</i> , Bondweek, Vol. XII, No. 24, June 15, 1992 at 11-12.
	<i>UNIVU: EJV Begins Filling in the Dots</i> , Bondweek, Vol. XII, No. 30, July 27, 1992 at 10.
	<i>Merrill Mulls EJV Participation</i> , Bondweek, Vol. XII, No. 34, August 24, 1992 at 1 and 11.
	<i>CBOT Members Approve EJV Deal and First Boston to Offer Government Bond Trading System on Bloomberg</i> , Bondweek, Vol. XII, No. 38, September 21, 1992 at 1, 8, and 11.
	Bondweek, Vol. XII, No. 40, October 5, 1992 at 8.
	<i>Three Tech Managers Leave EJV...As Company Retools for Univu Rollout</i> , Bondweek, Vol. XII, No. 42, October 19, 1992 at 8.
	<i>Liffe Plans £1.25 Million Upgrade of its After-Hours System</i> , Bondweek, Vol. XII, No. 46, November 16, 1992 at 11.

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not conformance and not considered. Include copy of this form with next communication to applicants.



FORM PTO-1449

U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICEATTY. DOCKET NO.  
CF/007 ReAPPLICATION NO.  
09/859,661FIFTH SUPPLEMENTAL INFORMATION DISCLOSURE  
STATEMENT BY APPLICANTSAPPLICANTS  
Fraser et al.CONFIRMATION  
NO. 3933FILING DATE  
May 17, 2001GROUP  
3622

## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

EXAMINER INITIAL	
	Bondweek, Vol. XIII, No. 5, February 8, 1993 at 8.
	<i>Liberty in Talks to Join EJV</i> , Bondweek, Vol. XIII, No. 10, March 15, 1993 at 2.
	<i>Liberty, EJV Debut Joint Venture</i> , Bondweek, Vol. XIII, No. 34, August 30, 1993 at 2.
	Advertisement in Bondweek, Vol. XV, No. 4, January 30, 1995, <i>Starting March 1, The Muni Bond Futures Contract will be an Even Better Trading Tool.</i>
	<i>EJV Develops Windows-Based Software to Access F.I. Data</i> , Bondweek, Vol. XV, No. 46, November 20, 1995 at 6.
	Advertisement in Bondweek, Vol. XVII, No. 8, March 3, 1997, <i>CBOT Yield Curve Spreads Because a Lot Can Happen in a Short Amount of Time.</i>
	Advertisement in Bondweek, Vol. XVII, No. 17, May 5, 1997, <i>The T-Bond. And Now the Bond Open Outcry Trading in the World's Two Largest Bond Contracts at the CBOT.</i>
	Chicago Board Brokerage User Manuel, 27 pages.
	Nicholas Brady, Richard Breeden, and Alan Greenspan, <i>Joint Report on the Government Securities Market</i> , January 22, 1992.

## LITIGATION DOCUMENTS

EXAMINER INITIAL	
	eSpeed, Inc. et al., v. Brokertec USA L.L.C., et al., C.A. No. 03-612 (KAJ), SUPPLEMENTAL OPENING BRIEF IN SUPPORT OF MOTION BY PLAINTIFFS eSPEED, INC., CANTOR FITZGERALD, L.P., AND CFPH, L.L.C. FOR PRELIMINARY INJUNCTION.
	eSpeed, Inc. et al., v. Brokertec USA L.L.C., et al., C.A. No. 03-612 (KAJ), DEFENDANTS' PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW.
	eSpeed, Inc. et al., v. Brokertec USA L.L.C., et al., C.A. No. 03-612 (KAJ), PLAINTIFFS' MOTION FOR REARGUMENT ON CLAIM CONSTRUCTION.
	eSpeed, Inc. et al., v. Brokertec USA L.L.C., et al., C.A. No. 03-612 (KAJ), OPINION.
	eSpeed, Inc. et al., v. Brokertec USA L.L.C., et al., C.A. No. 03-612 (KAJ), ORDER.

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not conformance and not considered. Include copy of this form with next communication to applicants.